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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MOISES BARRAGAN,)	
)	
Petitioner,)	3:17-cv-00453-LRH-VPC
)	
vs.)	ORDER
)	
TIMOTHY FILSON, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

This is a habeas corpus proceeding under 28 U.S.C. § 2254. Pursuant to this court’s order of October 12, 2017 (ECF No. 6), counsel for both parties have filed a notice of appearance. ECF Nos. 7 and 10. In addition, petitioner has filed a motion for leave to file a first amended petition (ECF No. 8) and a motion for scheduling order (ECF No. 9).

Leave to file the first amended petition shall be granted. In addition, the court shall issue a scheduling order that allows time for petitioner to file a second amended petition. *See United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981) (“[Fed. R. Civ. P.] 15's policy of favoring amendments to pleadings should be applied with ‘extreme liberality.’” (quoting *Rosenberg Bros. & Co., Inc. v. Arnold*, 283 F.2d 406 (9th Cir. 1960) (per curiam))).

IT IS THEREFORE ORDERED that petitioner’s motion for leave to file a first amended petition (ECF No. 8) is GRANTED. The Clerk of the Court shall file as a separate docket entry the first amended petition for writ of habeas corpus attached to petitioner’s motion (ECF No. 8-1).

1 **IT IS FURTHER ORDERED** that the petitioner shall have **ninety (90) days** from the date
2 of entry of this order to file a second amended petition for writ of habeas corpus.

3 **IT IS FURTHER ORDERED** that respondents shall file a response to the second amended
4 petition, including potentially a motion to dismiss, within **ninety (90) days** of the date on which the
5 petitioner files an amended petition or the date on which the period for filing an amended petition
6 expires, with any requests for relief by petitioner by motion otherwise being subject to the normal
7 briefing schedule under the local rules. Any response filed shall comply with the remaining
8 provisions below and Rule 5 of the Rules Governing Habeas Corpus Cases Under Section 2254.

9 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have **sixty**
10 **(60) days** from the date on which the answer is served on him to file and serve a reply. If
11 respondents file a motion to dismiss, petitioner shall have **sixty (60) days** from the date on which the
12 motion is served on him to file and serve a response to the motion to dismiss, and respondents shall,
13 thereafter, have **thirty (30) days** to file a reply in support of the motion.

14 **IT IS FURTHER ORDERED** that any additional state court record exhibits filed herein by
15 either petitioner or respondents shall be filed with a separate index of exhibits identifying the
16 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
17 number or numbers of the exhibits in the attachment. The hard copy of any additional state court
18 record exhibits shall be forwarded – for this case – to the staff attorneys in **Reno**.

19 IT IS FURTHER ORDERED that petitioner's motion for scheduling order (ECF No. 9) is
20 DENIED as moot.

21 Dated this 30th day of October, 2017.

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23 
24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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